

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:07CR3149
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
CAROLYN M. BAASCH,	)	
	)	
Defendant.	)	

Today I took evidence and ruled upon the government's objection to the presentence report and the government's motion to upwardly depart. Confirming my oral ruling,

IT IS ORDERED that:

- (1) The government's objection to the presentence report regarding criminal history ([filing 51](#), paragraph 1) is denied. The court finds that the government failed to prove that the defendant trafficked controlled substances while on supervised release.
- (2) The government's motion to upwardly depart because of under representation of criminal history ([filing 51](#), paragraph 3) is denied to the extent that the government contends that an upward departure is warranted because the defendant used or dealt drugs while on supervised release.
- (3) The government's motion to upwardly depart because the earlier federal felony conviction for drugs garnered only one criminal history point and therefore substantially under represents the defendant's criminal history ([filing 51](#), paragraph 3) is granted. The court will assess one additional criminal history point.

- (4) Based upon the government's concession that the foregoing ruling does not disqualify the defendant from the safety-valve, it is so ordered. Accordingly, if the defendant wishes to qualify for the safety-valve, she is instructed to arrange a safety-valve interview with the government.

August 22, 2008.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge